

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JAN 19 2016

Clerk, U.S. District Court
District Of Montana
Missoula

CYRIL K. RICHARD,

Petitioner,

vs.

BOYD ANDREW and the
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 15-63-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order, Findings and Recommendations on November 10, 2015, recommending denying Petitioner Cyril K. Richard's ("Richard") Petition for Writ of Habeas Corpus. Richard failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000)

(citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that Richard's Petition should be denied on the merits.

There being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

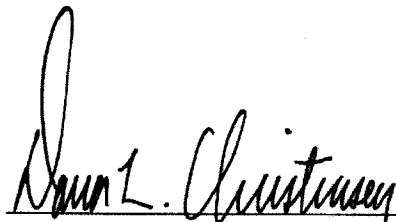
(1) Judge Lynch's Findings and Recommendations (Doc. 9) are ADOPTED IN FULL.

(2) Richard's Petition for Writ of Habeas Corpus (Doc. 1) is DENIED on the merits.

(3) The Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

(4) A certificate of appealability is DENIED.

Dated this 19th day of January, 2016.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief District Judge
United States District Court